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September 13, 2024

Via ECF

Honorable Barbara Moses
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: ***In re: One Apus Container Ship Incident on November 30, 2020***
1:22-md-03028-PAE (lead case)

Dear Magistrate Judge Moses,

We are attorneys for Chidori Ship Holding LLC and Jessica Ship Holding SA, making restricted appearances as Owners and bareboat charterers, respectively, of the M/V ONE APUS (collectively, "Owners"). We write jointly on behalf of the Owners; cargo interests Travelers Property Casualty Company of America, Ashtead Holdings Inc., State National Insurance Company, and Atlantic Specialty Insurance Company; and NVOCCs De Well Container Shipping, Inc., Dynamic Worldwide Logistics, Inc., and All-Ways Forwarding Int'l Inc. to report on our progress.

We thank Your Honor for the additional time to report again and are happy to confirm that all of the open issues have since been resolved. Since our last joint letter, the exact status of the subject actions has improved as follows:

- a) *Ashtead Holdings Inc. v. De Well Container Shipping, Inc. et al.*, SDNY case no. 1:22-cv-5326 - NVOCC De Well Container Shipping, Inc. has executed the release and paid its share of the settlement funds. The parties consider the issue with this action to have been addressed.

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- b) *State National Insurance Company, Inc. v. De Well Container Shipping, Inc. et al.*, SDNY case No. 1:22-cv-5400 – NVOCC De Well Container Shipping, Inc. has executed the release and paid its share of the settlement funds. The parties consider the issue with this action to have been addressed.
- c) *Travelers Property Casualty Company of America v. Dynamic Worldwide Logistics, Inc.*, SDNY case No. 1:22-cv-6370 - NVOCC Dynamic Worldwide Logistics, Inc. has executed the release and paid its share of the settlement funds. The parties still consider the issue with this action to have been addressed.
- d) *Travelers Property Casualty Company of America v. All-Ways Forwarding Int'l Inc. et al.*, SDNY case No. 1:21-cv-9388 - NVOCC All-Ways Forwarding Int'l Inc. has executed the release and paid its share of the settlement funds. The parties consider the issue with this action to have been addressed.
- e) *Atlantic Specialty Insurance Company v. All-Ways Forwarding Int'l Inc. et al.*, SDNY case No. 1:21-cv-10344 – Same as in the Travelers action listed above, NVOCC All-Ways Forwarding Int'l Inc. has executed the release and paid its share of the settlement funds. The parties consider the issue with this action to have been addressed.

In short, thanks to Your Honor's assistance and the cooperation of the parties, all of the open issues before this Court are now resolved. As such, the parties respectfully request that the in-person settlement conference scheduled for September 26, 2024 be cancelled.

If there are any questions, please do not hesitate to contact the undersigned. Otherwise, we thank Your Honor in advance for the continued understanding and assistance.

Respectfully submitted,

**MONTGOMERY MCCracken
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/s/ Timothy Semenoro
Timothy Semenoro
Robert E. O'Connor

*Attorneys for Defendants
M/V ONE APUS, Chidori Ship Holding
LLC, and Jessica Ship Holding SA*

CC by ECF to all counsel of record